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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,574	08/14/2000	Ryan Middleton	TI-28458	1734
7590	03/22/2005		EXAMINER	
Robert L Troike Texas Instruments Incorporated P O Box 655474 MS 3999 Dallas, TX 75265			NATNAEL, PAULOS M	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/639,574

Applicant(s)

MIDDLETON ET AL.

Examiner

Paulos M. Natnael

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 5,6 and 10-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In view of the appeal brief filed on 11/23/04, PROSECUTION IS HEREBY REOPENED. A new ground for rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims **8** and **9** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 8 and 9, the claimed phrase "said main signals are data compressed segments" lack antecedent basis.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims **1 and 4** are rejected under 35 U.S.C. 102(b) as being anticipated by Kaars, U.S. 5,999,216.

Concerning claim 1, Kaars discloses an arrangement, as illustrated in figure 1, for transmitting television programs via a plurality of channels, and an additional data service, for example, an EPG, via a selected Television channel. The transmitter of fig.1 comprises an optional compression circuit. This clearly illustrates that the system is capable of transmitting the main signal as well as the EPG signal as uncompressed signals. The transmitter comprises Modulators 12 and adder 15 which adds the signals together. In fig.2 Kaars discloses a receiver comprising a tuner demodulator 20, a demux 21, and video decoder 23 and audio decoder 22 as well as controller 24 and OSD generator 26;

Regarding claim 4, see rejection of claim 1;

6. Claims 1,3, 4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Carr, U.S. patent application publication 2003/0133043.

Concerning claim 1, Carr discloses a communications ancillary information associated with a plurality of audio/video programs comprising communicating audio/video programs (e.g., television content associated with a plurality of channels) includes receiving the audio/video programs over a transport medium. A stream of ancillary data portions associated with a plurality of audio/video programs (e.g., a plurality of television channels or transport stream programs) may be received over a separate delivery mechanism. The ancillary data may include announcements associated with enhancement data according to an Advanced Television Enhancement Forum Specification, for example. One of the audio/video programs is tuned to, with one or more ancillary data portions located and identified with the tuned audio/video program. A special announcement in the ancillary data portions delivered to an expected location is used to locate announcements for the tuned audio/video program. See Abstract. The system of Carr comprises a transport operator including a transmitter 110, and receivers 16,17 or 19 (figure 2). Carr further discloses an information delivery system 10 according to one embodiment includes a content creator 12, a transport operator system 14, and a plurality of receivers 16. The receivers 16 may be located at various receiving sites, including homes, offices, entertainment facilities, or other locations. The content creator 12 originates enhancement data (or other type

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of ancillary information) and television content (or other type of content including audio and/or video data) to be transmitted by the transport operator system 14.

Regarding claim 3, Carr discloses the ancillary data "may be sent in the vertical blanking interval (VBI) of the NTSC transmission". (Page 1, #0002)

Regarding claim 4, see the disclosure on page 3, #0025.

Regarding claim 7, the controller 106 inherently must add command and control signals in the transmitted signals so that the receiver knows how to decode the signals.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kaars.**, U.S. Pat. No. 5,999,216 in view of **Yuen** et al., U.S. Pat. No. 6,721,015.

Regarding claim 2, Kaars is silent, however, this feature is well known in the art.

In that regard, Yuen disclose a sound bite augmentation system wherein on the display an icon is displayed to indicate to the viewer or operator that a feature is present that can be accessed. Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Kaars by providing Yuen disclosure to indicate the presence of the EPG data itself or some other data that is

included in the EPG data. Doing so would give the user a choice and an advantage instead of searching for the information or data.

***Allowable Subject Matter***

8. Claims **5,6,10-12** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**PAUL M. NATHANIEL**  
**PATENT EXAMINER**

PMN  
March 19, 2005